

United States District Court
for the
Southern District of New York
Related Case Statement

Full Caption of Later Filed Case:

WELLS FARGO BANK, N.A., NOT IN ITS INDIVIDUAL CAPACITY,
BUT SOLELY IN ITS CAPACITY AS TRUSTEE FOR THE BENEFIT OF
HOLDERS OF J.P. MORGAN CHASE COMMERCIAL MORTGAGE
SECURITIES TRUST 2018-PHH, COMMERCIAL MORTGAGE
PASS-THROUGH CERTIFICATES, SERIES 2018-PHH, acting by and
through Situs Holdings, LLC, as special servicer under the Trust and
Servicing Agreement, dated August 7, 2018

Plaintiff

Case Number

vs.

1:24-cv-05665

JPMORGAN CHASE BANK, NATIONAL
ASSOCIATION, an Ohio national bank
association

Defendant

Full Caption of Earlier Filed Case:

(including in bankruptcy appeals the relevant adversary proceeding)

WELLS FARGO BANK, N.A., NOT IN ITS INDIVIDUAL CAPACITY,
BUT SOLELY IN ITS CAPACITY AS TRUSTEE FOR THE BENEFIT OF
HOLDERS OF J.P. MORGAN CHASE COMMERCIAL MORTGAGE
SECURITIES TRUST 2018-PHH, COMMERCIAL MORTGAGE
PASS-THROUGH CERTIFICATES, SERIES 2018-PHH, acting by and
through Situs Holdings, LLC, as special servicer under the Trust and
Servicing Agreement, dated August 7, 2018

Plaintiff

Case Number

vs.

1:24-cv-04339-LJL

Thor Urban
Operating Fund, L.P.

Defendant

IH-32

Rev: 2014-1

Status of Earlier Filed Case:

☐

Closed

(If so, set forth the procedure which resulted in closure, e.g., voluntary dismissal, settlement, court decision. Also, state whether there is an appeal pending.)

☒

Open

(If so, set forth procedural status and summarize any court rulings.)

Defendant has been served with the complaint.

Explain in detail the reasons for your position that the newly filed case is related to the earlier filed case.

The losses and damages to the Trust under both cases arise from the same nucleus of underlying facts. Both cases seek recovery of losses suffered by the Trust caused by the borrower of a commercial loan and the borrower's affiliates. Defendant sold the loan to the Trust pursuant to the Master Loan Purchase Agreement, the contract at issue in this lawsuit.

The current case is against the original lender, The claims seek to recover losses suffered by the Trust under an indemnification provision in the Master Loan Purchase Agreement. The earlier case seeks recovery of losses suffered from the Trust from an affiliate of the borrower under a Guaranty contract in which the affiliate-defendant guaranteed payment of certain loan obligations of the borrower.

Signature: /s/ Frederick L. Whitmer Date: 7/26/2024

Kilpatrick Townsend & Stockton LLP

Firm: _____